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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,925	11/13/2003	Hyoung-Jun Kim	IK-0061	6565
34610 7590 04/06/2007 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER MILLER, BRIAN E	
			ART UNIT 2627	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/705,925

Applicant(s)

KIM ET AL.

Examiner

Brian E. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-20,22-24 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) 7,9-17,19,20,22-24 and 27-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 1-2, 5-20, 22-24, 27-36 are now pending.

Election/Restrictions

1. Applicant's election with traverse of species I (FIGs. 4-9) in the reply filed on 1/8/07 is acknowledged. The traversal is on the ground(s) that the search and examination of the entire application could be made without serious burden." This is not found persuasive because the Examiner considers searching for more than one invention a burden. The restriction (identified from the specification) sets forth three different patentably distinct embodiments, i.e., as applicant has not on record submitted any evidence or identified such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. Therefore, it would be a burden on the Examiner to examiner more than one patentably distinct invention in one application.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 7, 9-17, 19-20, 22-24, 27-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/8/07.

Claim Objections

3. Claim 19 is objected to because of the following informality: (a) the claim status should be changed from "(Original)" to "(Currently Amended)" for clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 5-6, 8, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by RYUTA (JP07-287911). (As per claim 1) RYUTA discloses a disk loading apparatus for a disk drive, as shown mainly in FIG. 2a-2b including: a main body 10; and a tray 1 including a disk-seating portion 5 configured to be rotated (see arrows “A” & “B”) inside and outside the main body about a center of rotation 2 located at one side of the main body (see FIG. 2); a disk guide unit 11 provided on the tray 1 and the main body 10 and configured to cause a disk to be loaded and unloaded according to a rotating motion of the tray, wherein for at least a portion of the movement of the tray from a closed position to an open position, a disk-loading position determined by the disk guide unit is configured to move relative to the tray (see CONSTITUTION); (as per claim 2) further comprising a drive unit configured to rotate the tray 1; wherein the drive unit comprises: a driving motor 7 mounted on a main base (see FIG. 1b) and rotate in a forward or reverse direction and a power transmission unit 12 configured to transmit driving force from the driving motor to the tray 1; wherein the power transmission unit comprises at least one gear 12; (as per claim 5) wherein a rack gear, e.g., 11 (FIG. 2), having a predetermined radius of curvature (as shown) formed on a bottom surface of the tray 1 and configured to engage with the driving gear 12 of the power transmission unit; (as per claim 6) wherein the center of rotation 2 of the tray is located at a front end of the main body; (as per

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claim 8) wherein a predetermined gap, e.g., unspecified space, is formed between the tray and the main body on a side of the tray adjacent the center of rotation, i.e., the tray and main body is not integrally formed therefore a “gap” exists therebetween, e.g., 2b; (as per claim 18) wherein the apparatus 1 is a disk drive.

Response to Amendment & Arguments

6. Applicant's arguments with respect to claims 1-2, 5-6, 8, 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brian E. Miller
Primary Examiner
Art Unit 2627

BEM
April 1, 2007